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C O N F I D E N T I A L SECTION 01 OF 02 ASTANA 001711

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SUBJECT: KAZAKHSTAN - COURTS SUSPEND JEHOVAH'S WITNESSES
CHAPTERS IN SOUTHERN REGIONS

Classified By: Pol-Econ Chief Steven Fagin, Reasons 1.4 (b) and (d)

SUMMARY

¶1. (C) In recent months, courts in southern Kazakhstan have ordered three chapters of Jehovah's Witnesses to suspend their activities for six months for holding meetings at venues other than their registered addresses. Similar cases heard by courts in other regions of the country have been dismissed. Jehovah's Witnesses legal representatives told us on September 8 that they are worried that additional adverse decisions could result in an attempt to shut them down nationwide. They see the recent clamp-down as part of a broader campaign against "non-traditional" religion groups. While pressure against the Witnesses may continue, we consider a nationwide shut-down to be unlikely. End Summary.

THREE CHAPTERS SUSPENDED

¶2. (SBU) Three chapters of the Jehovah's Witnesses in southern Kazakhstan have been ordered to suspend their activities for alleged breaches of the administrative code. In three separate instances over the past five months, courts ruled that the chapters broke the law by "conducting religious activities outside their registered addresses." The three communities were legally registered with local authorities in the Kyzylorda and South Kazakhstan oblasts (regions). In each case, chapter members had gathered for services in either rented premises or at a private residence outside their legally registered addresses. The courts imposed fines on the organizations and ordered them to suspend their activities for a period of six months.

¶3. (SBU) Gregory Olds, Jehovah's Witnesses Associate General Counsel based in New York, and John Burns, the organization's Canadian attorney, who were both here for the recent trials, provided us with further details during a September 8 meeting. According to Olds, the three cases were prosecuted under article 375.1 of Kazakhstan's administrative code, which imposes sanctions on groups that "violate the rules for holding religious events outside the registered premises except for charity, care for the sick, and prison visits." He contended that this provision is vague, as it does not clearly specify what "the rules" are. Olds explained that in April, a Kyzylorda court convicted the Kyzylorda Witnesses' chapter and its chairman for holding a religious service in rented premises. This decision was upheld in May by an appeals court. In August, courts in South Kazakhstan oblast handed down rulings against two local Witnesses chapters for holding prayer meetings in private residences. Appeals in both of those cases were denied as well.

CONFLICTING COURT DECISIONS

¶4. (SBU) Burns told us that the three judgments contradict rulings on similar cases in other regions of the country. In June, the Koksusk district court in Almaty oblast dismissed a case against a local Jehovah's chapter for holding meetings in rented premises, while a Kokshetau court in Astana oblast returned a similar case to the prosecutor's office for not making clear "the essence of the violation of the law." The defense's attempts to introduce these decisions into the record in South Kazakhstan oblast "fell on death ears," said Olds. The only institution that can reconcile these contradictory rulings is the Procurator General's Office (PGO), he maintained, but there is no incentive for the PGO to do so.

¶5. (SBU) Olds expressed worry about the future of the Jehovah's Witnesses in Kazakhstan. Under current legislation, the courts can liquidate a religious organization nationwide if it repeatedly violates the law. "We've got three strikes against us already," said Olds. More court decisions like this, and the courts could shut down the Jehovah's Witnesses altogether, he contended.

BROADER CAMPAIGN

¶6. (SBU) Both Olds and Burns see the rulings against the Witnesses as part of a broader campaign on the part of the authorities to limit the influence of "non-traditional"

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religious groups -- a campaign which also includes the recently proposed amendments to the country's religion law. All three chapters that were shut down were established years ago, said Olds, so these decisions cannot be seen as a reaction to new groups. "This all began with President Nazarbayev's January speech," Olds maintained, referring to an address in which Nazarbayev criticized foreign missionaries and called for legislation to stop "religious radicalism." Burns argued that this recent clamp-down is motivated by the fact that many view "non-traditional" faiths as a growing threat to the identity of ethnic Kazakhs as Muslims. (Note: Ethnic Kazakhs are essentially universally Muslim by ancestry, but most are lapsed by practice. End Note.)

COMMENT

¶7. (C) The Jehovah's Witnesses may to an extent be the victims of a contradiction in Kazakhstani legislation. While Kazakhstan's administrative code forbids religious organizations from hosting events outside the registered premises, article 12 of the current religion law specifically states that registered organizations can hold religious services and ceremonies in a variety of locales, including in private residences. The differing court rulings may indicate that some judges gave primacy to the first legal provision, and others the second one. While the pressure may continue, we consider it unlikely that the authorities will move to suspend the Jehovah's Witnesses nationally. Such a radical step would seriously undermine Kazakhstan's record on religious freedom as it moves closer to its 2010 OSCE chairmanship and continues its efforts to garner support for Nazarbayev's Common World Forum -- an initiative aimed at promoting tolerance between the Muslim world and the West. End Comment.

ORDWAY